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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NOV - 1 2018

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

PRENDA LAW, INC.; and PAUL
DUFFY,

Plaintiffs,

v.

PAUL GODFREAD; and ALAN
COOPER,

Defendants.

Case No. 1:13-cv-1569

Consolidated with

Case No. 1:13-cv-4341

NON-PARTY PAUL HANSMEIER'S BRIEF IN LIEU OF ORAL ARGUMENT

Non-party Paul Hansmeier ("Hansmeier") respectfully submits this brief in lieu of attending oral argument.

INTRODUCTION

The defendants in this case have moved the Court pursuant to Rule 25(c) of the Federal Rules of Civil Procedure to substitute Hansmeier and non-party John Steele in place of Prenda Law, Inc. on the judgment that has been entered in this case. Hansmeier has been planning to attend oral argument in this case, but defendants have now twice scheduled and canceled their hearing. The next hearing is scheduled for October 30, 2018, but given past cancelations, there is no guarantee that the hearing will go forward. Out of an abundance of caution, Hansmeier respectfully submits the following brief and evidence in lieu of attending oral argument. The following statements summarize what Hansmeier intended to present at oral argument.

U.S. DISTRICT COURT
NOV 1 2018
AM 10:02

STATEMENT

On April 9, 2015, the district judge who was then presiding over this case entered an order denying Cooper and Godfread's motion to impose joint and several liability against Hansmeier and Steele for any judgment that was entered against Prenda Law, Inc. Dkt. 178. The court reasoned that neither Hansmeier nor Steele were designated as parties to this case or had been served with process. *Id.* The court further noted that Hansmeier's addition to this case would destroy diversity jurisdiction. *Id.* The arguments raised by Cooper and Godfread in support of that motion were quite similar to the arguments Cooper and Godfread now raise in support of their Rule 25(c) motion.

On July 13, 2015, Hansmeier filed a petition for relief under Chapter 13 of the U.S. Bankruptcy Code. Hansmeier's case was subsequently converted to Chapter 7. Cooper and Godfread filed claims in Hansmeier's bankruptcy case arising from the judgment in this case. *See* Declaration of Paul Hansmeier ("Hansmeier Decl."), October 26, 2018, Exhibit 1 (at Exhibits 4-5 to Exhibit 1). *Id.* Each of the claims was in the amount of \$679,651.65. By submitting these claims, Cooper and Godfread submitted themselves to the jurisdiction of the U.S. Bankruptcy Court for the District of Minnesota for the purposes of determining what liability, if any, Hansmeier had on the judgment that was entered in this case.

The Chapter 7 Trustee objected to Cooper and Godfread's claims, arguing that Hansmeier did not have any liability for the judgment that was entered in this case as a result of the Court's April 9, 2015 order. Hansmeier Decl. Ex. 1. Cooper and Godfread opposed the Chapter 7 Trustee's objection, arguing that Hansmeier was Prenda Law's

alter ego and that he was thus liable for any judgment entered against Prenda Law. Hansmeier Decl. Ex. 2. The Bankruptcy Court disallowed Cooper and Godfread's claims, thus holding that Hansmeier was not liable for the judgment entered against Prenda Law in this case. Hansmeier Decl. Ex. 3. Now, Cooper and Godfread are back before the court for a third attempt at somehow making Hansmeier liable for the judgment that has been entered in this case.

Jason Sweet and Dan Booth of the Booth Sweet LLP ("Booth Sweet") are representing Godfread and Cooper in this case. For the past five years, Booth Sweet have been attempting to profit from the severe reputational injury that was caused by the district court's order in the *Ingenuity13* matter referenced throughout the briefs in this case. For example, Booth Sweet obtained a judgment against Hansmeier in the U.S. District Court for the District of Massachusetts without naming Hansmeier as a party or serving Hansmeier with process. Booth Sweet were essentially able to persuade a very senior district judge that he should dispense with the due process requirement of service. The judgment was subsequently reversed by the U.S. Court of Appeals for the First Circuit. Hansmeier Decl. Ex. 4. Booth Sweet attempted a similar effort in the District of Connecticut. An alert district judge rejected their attempt. Similarly, Booth Sweet were able to persuade a district judge in the Southern District of Illinois to impose a criminal contempt sanction pursuant to its inherent authority without providing any of the due process protections applicable to criminal proceedings. The Seventh Circuit reversed that judgment. Booth Sweet filed millions of dollars of false claims in Hansmeier's

bankruptcy case. Booth Sweet was found by the U.S. Bankruptcy Court for the District of Minnesota to have knowingly filed false claims.

In every case, Booth Sweet's typical tactic is to reference the punitive findings in the *Ingenuity13* case, and ask for relief which uniformly has no basis in law or fact. For example, Booth Sweet filed a motion to stay the enforcement of a judgment Hansmeier obtained against them pending the resolution of an appeal of that judgment. The district court—sitting in appellate jurisdiction over a judgment entered in a bankruptcy proceeding—denied that motion, noting that Booth Sweet had not provided argument that was relevant to the factors a court weighs in deciding whether to issue a stay. Instead, Booth Sweet's motion to stay was essentially a compendium of adverse statements that courts had made with respect to Hansmeier and others.

Hansmeier's position in this case is that defendants' Rule 25(c) motion should be denied because: (1) defendants have not shown a transfer of interest; (2) defendants are estopped from contending that Hansmeier is liable for the judgment entered in this case; (3) defendants cannot satisfy the requirements of subject matter jurisdiction; and (4) new developments in the law weigh against the Court's exercise of its discretion in the manner requested by defendants.

Defendants have not shown a transfer of interest that would trigger the application of Rule 25(c). Hansmeier would draw the Court's attention to Chief Judge Castillo's order denying a motion to substitute pursuant to Rule 25(c). *Valerio v. Total Taxi Repair & Body Shop, LLC*, No. 12-cv-9985 (N.D. Ill. June 25, 2015). In *Valerio*, the plaintiff moved the court pursuant to Rule 25(c) to substitute a third-party in place of one of the

judgment debtors. The plaintiff argued that the defendants had shut down one of the judgment debtors and reopened a new company in a transparent effort to avoid paying the judgment. While the court was sympathetic to the plaintiff's concern that the defendants were operating in an unethical manner to defendant th[e] [c]ourts hard fought judgment..." the court nevertheless denied the Rule 25(c) motion, holding, "Plaintiffs simply fail to allege any transfer of interest that would trigger the operation of Rule 25(c). Mere speculation without any evidence is simply not enough to satisfy Rule 25(c)." That is exactly the case here. At most, defendants have speculated without any probative evidence that a transfer of interest occurred in this case. Hansmeier does not believe that a "transfer of interest" occurred here as the term is defined under substantive law. Defendants' insinuations to the contrary are insufficient.

Another case concerning Rule 25(c) merits this Court's attention: *Rouben v. Parkview Hosp., Inc.*, No. 1:10-cv-397 (N.D. Ind. Jan. 30, 2013). *Rouben* is germane to this case because it makes the point that Rule 25(c) has no application to interests transferred *prior* to commencement of an action. *Id.* (citing *F.D.I.C. v. Deglau*, 207 F.3d 153, 159 n.2 (3d Cir. 2000) (noting that Rule 17(a) governs transfers prior to the filing of a lawsuit while Rule 25(c) governs transfers after the lawsuit begins)). Defendants are free to correct Hansmeier if he is wrong, but based on his review of his financial records, Hansmeier did not receive any money from Prenda after the commencement of this suit. Defendants have access to Hansmeier's financial records via discovery they have received in other cases. Thus, even if the receipt of money from a company constituted a "transfer of interest" under applicable law—and it does not—there would be no factual

basis for concluding that Hansmeier received a “transfer of interest” after the commencement of this lawsuit sufficient to trigger the application of Rule 25(c).

Defendants are estopped from contending that Hansmeier is liable for the judgment entered against the plaintiffs. Defendants have failed before this court and the U.S. Bankruptcy Court for the District of Minnesota in their efforts to impose liability against Hansmeier in this case. A bankruptcy order disallowing a proof of claim—such as the bankruptcy order entered against defendants—is a final judgment on the merits by a court of competent jurisdiction and is a predicate for *res judicata*. *EDP Med. Computer Sys. v. United States*, 480 F.3d 621, 625 (2nd Cir. 2007); *In re Residential Capital, LLC*, 2015 WL 1281960, *4 (Bankr. S.D.N.Y. Mar. 18, 2015); *Moore v. Wiz*, 2008 WL 2357406, *1 (E.D.N.Y. Jun. 4, 2008). As explained in *Warner v. CMG Mortg. Inc.*, 2015 WL 7454151, *4-5 (N.D. Cal. Nov. 24, 2015) (footnotes and internal citations omitted) (dismissing a plaintiff’s case with prejudice following the disallowance of her claim in bankruptcy):

... Defendants moved....to dismiss....they argue plaintiff unsuccessfully raised her current claim in bankruptcy court and is therefore now barred under the doctrine of *res judicata* from further pursuing the claim before this Court.....

Res judicata, or claim preclusion, operates to bar subsequent litigation “whenever there is (1) an identity of claims, (2) a final judgment on the merits, and (3) identity or privity between parties.” If the claims arise out of the “same transactional nucleus of fact” as litigated in the prior matter *res judicata* precludes re-litigating those claims....*Res judicata* “has the dual purpose of protecting litigants from the burden of relitigating an identical issue with the same party or his privy and of promoting judicial economy by preventing needless litigation.”Because “[r]es judicata prevents litigation of all

grounds for, or defenses to, recovery that were previously available to the parties, regardless of whether they were asserted or determined in the prior proceeding[, it] thus encourages reliance on judicial decisions, bars vexatious litigation, and frees the courts to resolve other disputes.”

Here, the bankruptcy court addressed in detail and dismissed claims arising from the same transactions at issue in the instant complaint; indeed, the court addressed the same claims asserted here.... “[A]n order disallowing a claim in bankruptcy is binding and conclusive on all parties or their privies, and being in the nature of a final judgment, furnishes a basis for a plea of res judicata.”)....

...[Defendant’s] Rule 12(b)(6) motion to dismiss is premised primarily on two grounds: (1) that judicial estoppel bars plaintiff’s claim where she affirmed in her personal bankruptcy proceedings under penalty of perjury that she had no claims against her creditors; and (2) that her claims are barred by the doctrine of res judicata based on the Southern District of New York decision..... Because dismissal is proper under the second ground for the same reasons noted with respect to the analysis of the Ally Defendants’ motion, CMG’s motion is Granted and the claims against CMG are Dismissed With Prejudice....

Here, defendants voluntarily submitted themselves to the jurisdiction of the U.S.

Bankruptcy Court for the District of Minnesota and their claim arising from this case was disallowed. Res judicata prevents defendants from relitigating their failed claim for a third time in this court.

Defendants cannot satisfy the requirements of subject matter jurisdiction. At all times relevant to this litigation Hansmeier has been a citizen of Minnesota. The same is true for Paul Godfread and Alan Cooper. This Court previously ruled that adding Hansmeier to this litigation would destroy diversity jurisdiction, and nothing about that analysis has changed.

New developments in the law weigh against the court's exercise of its discretion to apply Rule 25(c) in this case. Rule 25(c) is discretionary. Thus, even if the court concludes that the requirements of Rule 25(c) have been met, the court nevertheless has the power to decline to apply the Rule. New developments in the law strongly suggest that defendants improperly obtained a judgment in this matter. These developments, which were detailed in Hansmeier's memorandum in opposition to defendants' motion to substitute, include holdings that Minnesota's anti-SLAPP law does not apply in federal court and is otherwise unconstitutional.

CONCLUSION

The Court should deny Defendants' motion to substitute.

Dated: October 26, 2018

/s/ Paul R. Hansmeier
Paul R. Hansmeier
9272 Cortland Alcove
Woodbury, MN 55125
E-mail: prhansmeier@gmail.com
Phone: 651-399-1583
Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PRENDA LAW, INC.; and PAUL
DUFFY,

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Defendants.

Case No. 1:13-cv-1569

Consolidated with

Case No. 1:13-cv-4341

DECLARATION OF PAUL HANSMEIER

1. Attached hereto as Exhibit 1 is a true and correct copy of the Chapter 7 Trustee's motion objecting to claims submitted by Godfread and Cooper relating to this case.
2. Attached hereto as Exhibit 2 is a true and correct copy of Godfread and Cooper's response to the Chapter 7 Trustee's claim objection.
3. Attached hereto as Exhibit 3 is a true and correct copy of the Bankruptcy Court's order disallowing Cooper and Godfread's claims.
4. Attached hereto as Exhibit 4 is a true and correct copy of the First Circuit's mandate vacating an entry of judgment against Hansmeier.

This Declaration is submitted pursuant to 28 U.S.C. § 1746. I declare under the penalty of perjury that the foregoing is true and correct.

Executed on October 26, 2018

/s/ Paul Hansmeier

Paul Hansmeier

EXHIBIT 1

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:	BKY No. 15-42460
Paul R. Hansmeier,	Chapter 7 Case
Debtor.	

NOTICE OF HEARING AND MOTION OBJECTING TO CLAIMS

1. Randall L. Seaver, the duly appointed Chapter 7 trustee herein ("Trustee") moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 10:30 a.m. on December 21, 2016 in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than December 16, 2016 which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This bankruptcy case was commenced as a Chapter 13 on July 13, 2015. It converted was to a case under Chapter 7 on December 3, 2015. The case is now pending in this court.

5. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1.

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6. This motion arises under 11 U.S.C. §§ 501, 502, 704(5) and 726 and Fed. R. Bankr. P. 3007(1). This motion is filed under Bankruptcy Rule 9014 and Local Rule 3007-1.

Movant objects to the following claims:

Claim No.	Claimant	Claim Amount	Exhibit #
9	Paul Godfread	\$678,865.97	1
10	Alan Cooper	\$678,865.97	2
11	Alan Cooper	\$255,000.00	3
15	Alan Cooper	\$679,651.65	4
16	Paul Godfread	\$679,651.65	5
18	Alan Cooper	\$255,000.00	6

The preliminary pages of each claim are attached as the Exhibit # identified above.

7. Claim Nos. 9, 10, 15, and 16 are essentially identical claims, arising from the same litigation. Claim Nos. 11 and 18 are identical claims.

Claims 9, 10, 15, and 16

8. Claims 9, 10, 15 and 16 purportedly arise out of litigation in the U.S. District Court for the Northern District of Illinois, Case No. 13-cv-1569. According to the Proof of Claims filed by the creditors, the basis for the claims is "judgment against debtor". In fact, there has been no judgment entered against the debtor Paul Hansmeier on the asserted claims.

9. On April 9, 2015, United States District Court Judge, John W. Darrah entered an order denying the claimants Cooper and Godfread's request to impose joint and several liabilities against the debtor and his business partner. Attached hereto as Exhibit 7 is a true and correct copy of the April 9, 2015 Order. The court denied the claimant's request due to the fact that the parties were not designated parties to the litigation, and apparently had not

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been made parties by service of process. The court also noted jurisdictional issues. See Exhibit 7 at 2.

10. On December 23, 2015, Claimants Cooper and Godfread filed a motion to lift the automatic stay in this bankruptcy case in order to pursue their claims against the Debtor in the District Court litigation pending in the Northern District of Illinois. The Debtor opposed the motion.

11. At the January 14, 2016, hearing on the claimants Cooper and Godfread's motion to lift the automatic stay, the claimants agreed to withdraw their motion, with an apparent intent to re-file with further evidence supporting "cause" to lift the automatic stay. See Doc. 98. Ten months have passed since the withdrawal of the stay relief motion, and no subsequent motion has been filed.

12. The Trustee objects to Proof of Claims 9, 10, 15 and 16 as the District Court for the Northern District of Illinois has specifically stated that the Debtor is not liable on the judgment obtained by claimants Cooper and Godfread, and claimants have taken no further action to assess liability against the Debtor.

Claims 11 and 18

13. Claims 11 and 18, appear to be based on an Order for Judgment, which claimant Cooper attached as an exhibit Proof of Claim 11 and 18. Attached hereto as Exhibit 8 is a true and correct copy of the July 15, 2015 Order for Judgment.

14. The July 15, 2015 Order for Judgment is a judgment against John Steele and Prenda Law, LLC. The debtor's name does not appear in the Order for Judgment.

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15. The claimant Cooper may believe that the District Court's holding provides an avenue for him to seek liability against the Debtor; however, the claimant has not obtained stay relief to liquidate any such claim. Therefore, the Trustee objects to Proof of Claims 11 and 18.

WHEREFORE, the Trustee requests an order of the court:

1. Denying Proofs of Claim 9, 10, 11, 15, 16 and 18 in their entirety.
2. Such other relief as the court deems just and equitable.

**FULLER, SEAYER,
SWANSON & KELSCH, P.A.**

Dated: November 16, 2016

By: /e/ Matthew D. Swanson

Matthew D. Swanson 390271
Randall L. Seaver 152882
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

Attorneys for Randall L. Seaver, Trustee

VERIFICATION

I, Randall L. Seaver, the duly appointed Chapter 7 trustee of this Bankruptcy Estate, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on November 16, 2016

/e/ Randall L. Seaver
Randall L. Seaver, Trustee

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 Case 15-42460 Claim 9-1 Filed 11/09/15 Page 5 of 20 Desc Main Document Page 1 of 55

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM
Name of Debtor: Paul Robert Hansmeyer	Case Number: 15-42460	<div style="text-align: center; font-weight: bold; margin-bottom: 10px;">COURT USE ONLY</div> <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Paul Godfred c/o Booth Sweet LLP		
Name and address where notices should be sent: Jason E. Sweet / Booth Sweet LLP 32R Essex Street Cambridge, MA 02139		<input checked="" type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Telephone number: (617) 250-8619 email: jsweet@boothsweet.com		
Name and address where payment should be sent (if different from above):		<input checked="" type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Telephone number: email:		
1. Amount of Claim as of Date Case Filed: \$ <u>678,865.97</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Judgment against debtor</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <div style="text-align: center;">5 7 5 4</div>	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____). Amount entitled to priority: \$ _____
<small>*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

EXHIBIT 1

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Case 15-42460 Claim 9-1 Filed 11/09/15 Desc Main Document Page 2 of 55

B10 (Official Form 10) (04/13)

3

DEFINITIONS		INFORMATION
Debtor A debtor is the person, corporation, or other entity that has filed a bankruptcy case.	A claim also may be secured if the creditor owes the debtor money (has a right to setoff).	Acknowledgment of Filing of Claim To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.uscourts.gov) for a small fee to view your filed proof of claim.
Creditor A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).	Unsecured Claim An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.	Offers to Purchase a Claim Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 <i>et seq.</i>), and any applicable orders of the bankruptcy court.
Claim A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.	Claim Entitled to Priority Under 11 U.S.C. § 507 (a) Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.	
Proof of Claim A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.	Redacted A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.	
Secured Claim Under 11 U.S.C. § 506 (a) A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.	Evidence of Perfection Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.	

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B10 (Official Form 10) (04/13)

7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction B7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction B8)

Check the appropriate box.

☐ I am the creditor. ☒ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.) (See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Jason E. Sweet
Title: Partner
Company: Booth Sweet LLP
Address and telephone number (if different from notice address above):
328 Essex Street
Cambridge, MA 02139

(Signature)

11/08/2015

(Date)

Telephone number: (617) 250-8819 email: jsweet@boothsweet.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claims:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a):

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

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Itemized Statement of Paul Godfreed Proof of Claim

Post-judgment interest, on the other hand, is "calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding[] the date of the judgment." 28 U.S.C. § 1961(a).

Judgement amount: \$11,758.20 x Interest Rate: .10%

Entered Date of Judgement: 06/12/2014 to Current Date: 11/09/2015

\$3.22 (Daily Interest Amount) x 515 (Accumulated Days) = \$1659.03 (Accumulated Interest Amount)

SubTotal: \$13,417.23

Attorneys Fees & Costs awaiting affirmation: \$165,448.74

Punative Damages awaiting affirmation: \$500,000.00

Total: \$678,865.97

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 Case 15-42460 Claim 10-1 Filed 11/09/16 Entered 11/09/16 09:45:44 Desc Main Document Page 1 of 54

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM
Name of Debtor: Paul Robert Hansmeier	Case Number: 15-42460	
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Alan Cooper c/o Booth Sweet LLP		
Name and address where notices should be sent: Jason E. Sweet / Booth Sweet LLP 32R Essex Street Cambridge, MA 02139 Telephone number: (617) 250-8619 email: jsweet@boothsweet.com		COURT USE ONLY <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above): Telephone number: _____ email: _____		<input checked="" type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
1. Amount of Claim as of Date Case Filed: \$ <u>678,865.97</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Judgment against debtor</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <div style="text-align: center; font-family: monospace; font-size: 1.2em;">5 7 5 4</div>	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
Amount entitled to priority: \$ _____		
<small>*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

EXHIBIT 2

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 Case 15-42460 Claim 10-1 Document 109-18 Filed 11/09/15 Desc Main Document Page 2 of 54

B10 (Official Form 10) (04/13)

7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

☐ I am the creditor. ☒ I am the creditor's authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)

☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Jason E. Sweet

Title: Partner

Company: Booth Sweet LLP

Address and telephone number (if different from notice address above):

328 Essex Street

Cambridge, MA 01238

Telephone number: (617) 250-8619 email: jsweet@boothsweet.com

(Signature)

11/09/2015
(Date)

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

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Itemized Statement of Alan Cooper Proof of Claim

Post-judgment interest, on the other hand, is "calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding[] the date of the judgment." 28 U.S.C. § 1961(a).

Judgement amount: \$11,758.20 x Interest Rate: .10%

Entered Date of Judgement: 06/12/2014 to Current Date: 11/09/2015

\$3.22 (Daily Interest Amount) x 515 (Accumulated Days) = \$1659.03 (Accumulated Interest Amount)

SubTotal: \$13,417.23

Attorneys Fees & Costs awaiting affirmation: \$165,448.74

Punative Damages awaiting affirmation: \$500,000.00

Total: \$678,865.97

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B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT		District of Minnesota	PROOF OF CLAIM
Name of Debtor: Paul Hansmaier		Case Number: 15-42460	Send original to: U.S. Bankruptcy Court 301 U.S. Courthouse 300 South Fourth Street Minneapolis, MN 55415 COURT USE ONLY <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (if known) Filed on: _____
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): Alan Cooper			
Name and address where notices should be sent: Godfreed Law Firm, P.C. 8043 Hudson Road, Suite 305 Woodbury, MN 55125 Telephone number: 612-284-7325 email: paul@godfreedlaw.com			<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Name and address where payment should be sent (if different from above): Telephone number: email:			
1. Amount of Claim as of Date Case Filed: \$ <u>255,000</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.			
2. Basis for Claim: <u>Judgement against debtor</u> (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor: <u>5754</u>	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.			
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe:		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____	
Value of Property: \$ _____		Basis for perfection: _____	
Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of Secured Claim: \$ _____ Amount Unsecured: \$ <u>255,000</u>	
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.			
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).	
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).		<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	
		<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)().	
Amount entitled to priority: \$ _____			
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.			
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)			

EXHIBIT 3

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2

7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

☐ I am the creditor. ☒ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.) (See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Paul Godfread

Title: attorney

Company: Godfread Law Firm, P.C.

s/Paul Godfread

11/9/2015

Address and telephone number (if different from notice address above):

(Signature)

(Date)

Telephone number: _____ email: _____

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

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 Case 15-42460 Claim 15-1 Part 5 Document 14/20/16 Page 30 CORRECT CLAIM IMAGE Page
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Fill in this information to identify the case:

Debtor 1 Paul Robert Hansmeier

Debtor 2
 (Spouse, if filing) _____

United States Bankruptcy Court for the: District of Minnesota

Case number 15-42460

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>Alan Cooper</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? <u>Jason Sweet / Booth Sweet LLP</u> Name <u>32R Essex Street</u> Number Street <u>Cambridge MA 02139</u> City State ZIP Code Contact phone <u>(617) 250-8619</u> Contact email <u>jsweet@boothsweet.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Contact phone _____ Contact email _____ Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Who made the earlier filing? <u>Paul Godfred</u>	

EXHIBIT 4

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Part 2: Give Information About the Claim as of the Date the Case Was Filed	
6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>5 7 5 4</u>
7. How much is the claim?	\$ <u>679,651.65</u> . Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>judgment against debtor</u>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual interest rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

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 Case 15-42460 Claim 15-1 Part 1 Doc 178 Filed 04/20/16 Page 3 of 3
 CORRECT CLAIM IMAGE

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check one:

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$ _____

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 5011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
- ☒ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 04/20/2016

1041 PM '16

Signature

Print the name of the person who is completing and signing this claim:

Name Jason E. Sweet
 First name Middle name Last name

Title Partner

Company Booth Sweet LLP
 Identify the corporate sender as the company if the authorized agent is a service.

Address 32R Essex Street
 Number Street
 Cambridge, MA 02139
 City State ZIP Code

Contact phone (617) 250-8819 Email jsweet@boothsweet.com

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 Case 15-42460 Claim 16-1 Part Doc Filed 11/16/16 Page 30 of 30 CORRECT CLAIM IMAGE Page
 1 of 3

Fill in this information to identify the case:	
Debtor 1	<u>Paul Robert Hansmeier</u>
Debtor 2 (Spouse, if filing)	
United States Bankruptcy Court for the: <u>District of Minnesota</u>	
Case number	<u>15-42460</u>

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>Paul Godfread</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>Jason Sweet / Booth Sweet LLP</u> Name <u>32R Essex Street</u> Number Street <u>Cambridge</u> <u>MA</u> <u>02139</u> City State ZIP Code Contact phone <u>(617) 250-8619</u> Contact email <u>jsweet@boothsweet.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on ____/____/____	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Who made the earlier filing? <u>Alan Cooper</u>	

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 Case 15-42460 Claim 16-1 Part Document 16-1 Filed 04/20/16 Page 30 of 30 CORRECT CLAIM IMAGE Page
 2 of 3

Part 2: Give Information About the Claim as of the Date the Case Was Filed	
6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>5</u> <u>7</u> <u>5</u> <u>4</u>
7. How much is the claim? \$ <u>679,851.65</u>	Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>Judgment against debtor</u>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual interest rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check one:

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$ _____

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 5011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
- ☒ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 04/20/2016
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name **Jason E. Sweet**
First name Middle name Last name

Title **Partner**

Company **Booth Sweet LLP**
Identify the corporate service as the company if the authorized agent is a service.

Address **32R Essex Street**
Number Street
Cambridge, MA 02139
City State ZIP Code

Contact phone **(617) 250-8819** Email **jsweet@boothsweet.com**

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Case 15-42460 Claim 18-1 Document 22/18 Desc Main Document Page 1 of 3

Fill in this information to identify the case:

Debtor 1 Paul Robert Hansmeler

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: District of Minnesota

Case number 15-42460

Send original to:
U.S. Bankruptcy Court
301 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both, 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>Alan Cooper</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>Godfred Law Firm, P.C.</u> Name <u>6043 Hudson Road, Suite 305</u> Number Street <u>Woodbury</u> <u>MN</u> <u>55125</u> City State ZIP Code Contact phone <u>612-284-7325</u> Contact email <u>paul@godfredlaw.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on ____/____/____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

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 Case 15-42460 Claim 18-1 Filed 04/22/18 Desc Main Document Page 2 of 3

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	\$ <u>255,000</u> Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>Debtor is liable as alter ego for judgment debtor</u>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual interest rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

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12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check all that apply:

<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	Amount entitled to priority \$ _____
<input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$ _____

* Amounts are subject to adjustment on 4/01/2019 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 8011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
- ☒ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 04/22/2016
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name Paul Allen Godfread

First name Middle name Last name

Title attorney

Company Godfread Law Firm, P.C.

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 6043 Hudson Road, Suite 305

Number Street MN 55125

City State ZIP Code

Contact phone 612-284-7325 Email paul@godfreadlaw.com

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PRENDA LAW INC. and
PAUL DUFFY,

Plaintiffs,

v.

PAUL GODFREAD, ALAN COOPER,
and JOHN DOES 1-10,

Defendants.

PAUL GODFREAD and
ALAN COOPER,

Counterclaimants,

v.

PRENDA LAW INC. and
PAUL DUFFY,

Counterdefendants.

Case No. 13-cv-1569

Judge John W. Darrah

ORDER

Counterclaimants Alan Cooper and Paul Godfreed have moved to impose any liabilities of Counterdefendant Prenda Law, Inc. for monetary sanctions and/or potential conspiracy and anti-SLAPP counterclaims jointly and severally upon Counterdefendant Paul Duffy and non-parties, John Steele and Paul Hansmeier. For the reasons stated below, Counterclaimants' Motion to Impose Liabilities [66] is denied.

STATEMENT

Counterclaimants seek to impose joint and several liabilities against two non-parties, Hansmeier and Steele. "It is a principle of general application in Anglo-American jurisprudence that one is not bound by a judgment *in personam* in a litigation in which he is not designated as a party or to which he has not been made a party by service of process." *Taylor v. Sturgell*, 553 U.S. 880, 884 (2008) (quoting *Hansberry v. Lee*, 311 U.S. 32, 40 (1940)). "The consistent constitutional rule has been that a court has no power to adjudicate a personal claim or obligation unless it has jurisdiction over the person of the defendant." *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100, 110 (1969). John Steele and Paul Hansmeier have not been designated parties to the present litigation, nor have they been made parties by service of

EXHIBIT 7

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process. As such, this Court has not gained jurisdiction over Steele and Hansmeier. Further, if Hansmeier and Steele were made parties, it would destroy diversity jurisdiction, as Counterclaimants and Hansmeier are citizens of Minnesota. Claims cannot be "asserted against nondiverse parties when jurisdiction was based on diversity." *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 351 (2006) (citing *Owen Equipment & Erection Co. v. Kroger*, 437 U.S. 365 (1978)).

Counterclaimants also seek to impose joint and several liability on Paul Duffy. Duffy was previously found to be jointly and severally liable for the imposed monetary sanctions in this Court's January 22, 2015 order in the related case 13-cv-4341. Liability for future monetary sanctions will be considered if further sanctions are required. As to imposing liability for conspiracy and anti-SLAPP counterclaims, it is unnecessary at this time. Duffy and Prenda's liabilities for any conspiracy and anti-SLAPP counterclaims will be determined, if necessary, after judgment is entered on those counterclaims.

Therefore, Counterclaimants' Motion to Impose Liabilities [66] is denied.

Date: April 9, 2015


JOHN W. DARRAH
United States District Court Judge

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Case 15-42460 Claim 184-Parent Filed 04/22/16 Desc Exhibit(s) order for
judgment Page 1 of 4

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Alan Cooper,

ORDER FOR JUDGMENT

Plaintiff,

v.

John Lawrence Steele and
Prenda Law, LLC,

Court File No. 27-Cv-13-3463
Judge Kristin A. Siegesmund

Defendants.

On April 27, 2015 this Court issued an Order finding Defendant Prenda Law, Inc. in default. A hearing was scheduled for June 10, 2015 to determine appropriate damages to be awarded Plaintiff. At the June 10, 2015, Paul Duffy appeared, not to represent Prenda Law, but in his personal capacity as a former principle of Prenda Law. Mr. Duffy represented that Prenda is no longer in business. The Court ordered Plaintiff to submit affidavits regarding his damage claim and allowed Mr. Duffy until July 10 (extended to July 13) to respond. Mr. Duffy has not filed anything in the time allowed. Based on the files of record and the argument of counsel, the court makes the following:

Background

This case involves a scheme in which former defendants¹ AF Holdings LLC and Ingenuity 13, LLC purchased copyrights in certain pornographic movies. They used Prenda Law firm and at least one of its principles John Steele to bring mass lawsuits against persons who owned computers on which any of these movies had been downloaded without permission. There has been much written about this scheme and there have been many lawsuits regarding whether these suits violate Rule 11. Courts have found that these suits were brought against persons who simply owned a computer without regard to whether they personally illegally downloaded any copyrighted material. Settlement demands were made by Prenda knowing that a lawsuit would potentially embarrass the computer owner. Many courts have found this enforcement scheme highly questionable.

The focus of this lawsuit was essentially identity theft. Plaintiff alleged that Prenda used his name in transferring the copyrights and in bringing lawsuits without his permission. This was accomplished through his personal relationship with Mr. Steele. The Complaint alleged that Prenda by itself or in concert with others violated Plaintiff's privacy by misappropriating his name and

¹ AF Holdings and Ingenuity 13 were dismissed from this suit on April 21, 2015 without prejudice because they had never been served.

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 Case 15-42460 Claim 18 Document Filed 04/28/16 Desc Exhibit(s) order for judgment Page 2 of 4

engaged in an illegal trade practice by taking his name and causing a likelihood of confusion regarding Mr. Cooper's affiliation with the porn movie owners.²

Memorandum

The court finds that based on the default in this case Prenda did knowingly use Mr. Cooper's name in pursuit of this scheme. The question is to what extent was Mr. Cooper damaged by the use of his name on documents and in court filings. Plaintiff is entitled to actual damages that he suffered. Also, because the court finds that Prenda acted with deliberate disregard for Plaintiff's rights, Plaintiff is entitled to punitive damages which can be measured in part in relation to the amount that Plaintiff profited from using Mr. Cooper's name. Although the court does not condone the actions of Defendants, the court warned Plaintiff in its September 27, 2013 order that no speculative damage calculations would be allowed. Plaintiff has the burden to prove its damages by a preponderance of admissible evidence. To a large extent Plaintiff has failed to provide any evidence that meets this standard.

As an example of the significant lack of proof and legal argument, Plaintiff has submitted articles written about this entire affair.³ In the Forbes interview of Mr. Steele the reporter suggests that Steele has made over \$15 million dollars and Steele responds that "they" have made more than a few million. Articles such as these are hearsay, and Steele's statements are not admissions that can be relied upon by the court to determine to what degree Prenda benefited from the use of Cooper's name. The use of these articles now, when the Court has asked for specifics about Plaintiff's damages, is illustrative of how Plaintiff has approached this entire litigation, much innuendo and very little substance.

Plaintiff also attempts to show how Prenda profited by attaching a statement from credit card processor Blue Pay⁴, which apparently shows that Prenda closed an account in May 2013 with nearly \$1.8 million dollars in it. Apparently Plaintiff would like the court to assume that this money is profit that Prenda made using Cooper's name. This is too great a leap. First, the statements are not presented in an admissible form. There is no affidavit from someone laying foundation, or that these are accurate business records, or explaining what the numbers mean. Second, Prenda was counsel for other entities. There is no explanation of how much of monies received were kept by Prenda or how much went to its clients. And there is nothing in the record showing how much of the receivables were due to the use of Cooper's name.

In a further attempt to show Prenda's profit from using Cooper's name, Mr. Godfreed suggests that the court make a series of unsupported assumptions to reach an \$11 million profit figure. For example, he asserts that Prenda filed 11 federal suits on behalf of Guava LLC against an "estimated 6500 defendants." Godfreed does not explain how he made this estimate. He asks the

² Plaintiff has settled his claims with Steele.

³ Godfreed Aff. Ex A, "Shedding Light on Copyright Trolls"; Ex C Forbes article "How Porn Copyright Lawyer John Steele has made a few Million"

⁴ Godfreed Ex B.

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court to presume that 30% of these cases would settle for the full amount of \$3400 contained in a sample demand letter. He provides no basis for why any such assumptions about the percentage or amount of settlement have any statistical reliability from which a court could base a decision. He also provides no proof of how much of this money would go to the client Guava and how much would be retained by Prenda. And he provides no evidence that these lawsuits relied on the use of Cooper's name. This evidence is too speculative for the court to use in any manner.

Despite litigating this case for over two years, and even though Mr. Godfread has admittedly been chasing Mr. Steele and Prenda around the county, Plaintiff did not produce one affidavit or deposition substantiating profits that Prenda made from this copyright scheme, or more specifically from the use of Mr. Cooper's name. The claim is notable for what is lacking. There are no affidavits regarding how many copyright claims relied on the use of Mr. Cooper's name. There are no depositions from Mr. Steele or Mr. Duffy or from any member of Prenda regarding their profits and losses. Plaintiff has come into court repeatedly making broad allegations and relying on news articles and events in other places, but the court asked Plaintiff to explain what happened to him in this instance.

Plaintiff's own affidavit is meager and unpersuasive. Plaintiff did not provide one single specific instance where he had been embarrassed by the use of his name by Defendant. Indeed the court is aware that it was not until Mr. Godfread found Plaintiff and had an article written about him in the paper that anyone knew of Plaintiff's connection to Prenda's pornography litigation. Thus Plaintiff is in some ways responsible for his own notoriety. Although the Court finds that Mr. Cooper did not consent to the use of his name in all ways that it was used, the court notes that Mr. Cooper has not denied working with Mr. Steele in some ways.

The court finds that Mr. Cooper has failed to show much actual damage, and is entitled to only \$5,000 of damages for humiliation. However, the court finds that punitive damages are in order because attorneys have a special obligation not to use another person's name without their explicit permission. If such permission had been given, Prenda as a law office could have and should have gotten that permission in writing. It is also obvious that Prenda undertook this deception to avoid naming its principles as the driving force of this scheme. Cooper was a straw man put up to protect them from obvious ethical violations of creating litigation. Although the court is uncertain about the exact gains that Prenda reaped from this enterprise, it has no doubt that substantial gains were made. The gains were sufficiently tempting that Prenda was willing to overlook what it considered minimal risk. Punitive damages are critical in situations like this where money damages does not adequately encompass the wrong done in stealing a person's name for one's own benefit. Punitive damages must be sufficient to deter similar abuses of professional integrity. The court finds that \$250,000 in punitive is appropriate and necessary to act as stern warning not to engage in this type of conduct.

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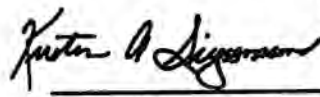
ORDER

1. Pursuant to the default ordered on April 27, 2015, Plaintiff is entitled to a judgment against Defendant Prenda in the amount of \$5,000 plus costs and disbursements.
2. Plaintiff is entitled to judgment against Defendant Prenda in the amount of \$250,000 in punitive damages.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: July 15, 2015

BY THE COURT:

 **Siegesmund, Kristin**
2015.07.15 16:31:53
-05'00'
The Honorable Kristin A. Siegesmund
Judge of District Court

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 15-42460

Paul Hansmeier,

Debtor.

I hereby certify that on November 16, 2016, I caused the following documents:

- Notice of Hearing and Motion Objecting to Claims

-Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused copy of the foregoing documents to be mailed by first class mail to the entities and individuals listed below:

Paul Hansmeier
3749 Sunbury Alcove
Woodbury, MN 55125

Paul Godfread
c/o Jason Sweet
Booth Sweet, LLP
32R Essex Street
Cambridge, MA 02139

Alan Cooper
c/o Jason Sweet
Booth Sweet, LLP
32R Essex Street
Cambridge, MA 02139

Alan Cooper
c/o Paul Godfread
Godfread Law Firm, P.C.
6043 Hudson Road, Suite 305
Woodbury, MN 55125

Dated: November 16, 2016

/e/ Matthew D. Swanson
Matthew D. Swanson

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: BKY No. 15-42460

Paul R. Hansmeier,

Debtor.

ORDER

This case is before the court on the trustee's motion objecting to claim numbers 9, 10, 11, 15, 16 and 18.

Based on the motion and the file:

IT IS ORDERED: Claim numbers 9, 10, 11, 15, 16 and 18 are disallowed in their entirety.

Dated:

Kathleen H. Sanberg
Chief United States Bankruptcy Judge

EXHIBIT 2

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:	Chapter 7
PAUL HANSMEIER,	No. 15-42460
Debtor.	

CREDITORS PAUL GODFREAD & ALAN COOPER'S WITHDRAWAL OF PROOF OF CLAIMS Nos. 9, 10 & 11.

1. Creditors Paul Godfread and Alan Cooper ("Movants") by and through their respective counsel, respectfully withdraw their Proof of Claims Nos. 9, 10 and 11. *See* Dkt. #178.

Claims Nos. 9 and 10

2. Claims Nos. 9, 10, 15 and 16 all arise out of litigation in *Paul Duffy and Prenda Law, Inc. v. Paul Godfread, Alan Cooper and John Does 1-10*, No. 1:13-cv-01569 (N.D. Ill.) (consolidated with 13-cv-04341).
3. Claims Nos. 9 and 10 were filed November 9, 2015 at a time when the Debtor's case was still a voluntary Chapter 13 Petition. *See* Dkt. #178, pgs. 5-11.
4. These claims were later refiled as Claims Nos. 15 and 16 on April 20, 2016 after the U.S. Trustee had the Debtor's case converted to one under Chapter 7. *Id.*, pgs. 14-19.
5. As such, Movants withdraw Claims Nos. 9 and 10.

Claim No. 11

6. Claims Nos. 11 and 18 both arise out of litigation in *Alan Cooper v. John Steele and Prenda Law*, No. 27-cv-13-3463 (Minn. Dist. Ct. 2013).
7. Claim No. 11 was filed November 9, 2015 at a time when the Debtor's case was still a voluntary Chapter 13 Petition. *Id.*, pgs. 12-13.
8. This claim was later refiled as Claim No. 18 on April 22, 2016 after the U.S. Trustee had the Debtor's case converted to one under Chapter 7. *Id.*, pgs. 20-22.
9. As such, Cooper withdraws Claim No. 11.

Claims Nos. 15 and 16

10. The Trustee asserts "there has been no judgment entered against the debtor Paul Hansmeier on the asserted claims." Dkt. #178, pg. 2 at ¶8. However, judgment was entered against Paul Duffy

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and Prenda Law on Oct. 17, 2016¹ in the amount of \$674,206.94 (plus pre-judgment interest as allowed by law). *See* Exhibit A.

11. The Trustee further asserts the district court “specifically stated that the Debtor is not liable on the judgment obtained by claimants Cooper and Godfread.” Dkt. #178 pg. 3, ¶ 12. In doing so, the Trustee refers to an Order entered April 9, 2015 [Dkt. #178 pgs. 23-24]. The district court made no such comment. In fact, the issue of the Debtor’s liability was never reached due to the district court’s concerns with jurisdiction and due process. *Id.*, pgs. 23-24. More so, the Trustee acknowledged as much in an email sent to Movants’ counsel the day prior to filing its objections:

“I agree with you that the courts didn’t determine the issue of liability due to the service issues.”

See Exhibit B.

Claims Nos. 15, 16 and 18

12. The objections to Claims Nos. 15, 16 and 18 rest on the basis the Debtor’s name does not appear on the judgments. *See* Dkt. #178, pg. 2 at ¶ 8; *id.*, pg. 3 at ¶ 14.
13. Prenda Law was adjudicated an alter-ego of the Debtor pre-petition. *Ingenuity 13 v. Doe*, 2013 U.S. Dist. LEXIS 64564 (C.D. Cal. March 6, 2013); *aff’d Ingenuity 13 v. Doe*, 651 Fed. App’x. 716 (9th Cir. 2016). *See* Exhibits C and D, respectively. *See also, Lightspeed Media v. Smith, et al*, 761 F.3d 699, 703 (7th Cir. 2014) (adopting the *Ingenuity 13* finding that the Debtor, Steele, and Duffy owned and controlled Prenda Law); Stipulation for Discipline ¶4, *In re Paul Robert Hansmeier*, File No. A5-1885 (Minn. July 1, 2016); Petition for Disciplinary Action ¶¶ 1-8, *id.* (Minn. Oct. 28, 2015). *See* Exhibits E and F, respectively. The Minnesota Supreme Court has entered a final order in the disciplinary action against Hansmeier based on the stipulation in which he admitted his controlling role in Prenda Law. Order, *id.* (Minn. Sept. 12, 2016). *See* Exhibit G.
14. A controlling debtor’s alter-ego liability attaches at the moment in time in which the factual elements, as dictated by law, have materialized. Any judgments against Prenda Law therefore attach to the Debtor.

WHEREFORE, Movants respectfully withdraw Proof of Claims No. 9, 10 and 11.

Dated: November 30, 2016

¹ Judge Darrah sustained a continuing back injury, severely delaying the issuance of his final order.

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Respectfully,

/s/ Jason E. Sweet

Counsel for Paul Godfread and Alan Cooper
Claims Nos. 9, 10, 15 and 16

Pro Hac Vice Appearance

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Jason E. Sweet (BBO# 668596)
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/s/ Paul A. Godfread

Counsel for Alan Cooper
Claims Nos. 11 and 18

GODFREAD LAW FIRM, P.C.
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6043 Hudson Road, Suite 305
Woodbury, MN 55125
Tel.: (612) 284-7325
Fax: (612) 465-36009
Email: paul@godfreadlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2016, the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Jason E. Sweet

EXHIBIT 3

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY 15-42460

Paul R. Hansmeier,

Debtor.

ORDER

This case is before the Court on the trustee's motion objecting to claim numbers 9, 10, 11, 15, 16 and 18. Claim numbers 9, 10 and 11 were withdrawn by claimants on November 30, 2016.

Matthew D. Swanson appeared on behalf of the trustee and Paul Hansmeier appeared pro se.

There was no appearance by on behalf of any of the claimants.

For reasons stated orally and recorded in open court,

IT IS ORDERED: Claim numbers 15, 16 and 18 are disallowed.

Dated: December 21, 2016

/s/ Kathleen H. Sanberg

Kathleen H. Sanberg
Chief United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND
FILING ORDER OR JUDGMENT
Filed and Docket Entry made on 12/21/2016
Lori Vosejka, Clerk, by LH

EXHIBIT 4

**United States Court of Appeals
For the First Circuit**

No. 13-2535

AF HOLDINGS, LLC,

Plaintiff,

v.

SANDIPAN CHOWDHURY,

Defendant, Appellee.

JOHN L. STEELE; PAUL A. DUFFY; PAUL R. HANSMEIER,

Interested Parties, Appellants,

MARK LUTZ,

Interested Party.

Before

Lynch, Thompson and Kayatta,
Circuit Judges.

JUDGMENT

Entered: August 4, 2016

After carefully considering the record and briefs on appeal, we vacate and remand.

The appellants moved to vacate the judgment under Rule 60(b)(4) for lack of personal jurisdiction because they were never named as parties to the counterclaims and properly served. It was undisputed below that the appellants were not properly named and served. Absent some exception, which was not established, a judgment cannot be entered against those who are not made parties through proper service. Shank/Balfour Beatty, a Joint Venture of M.L. Shank, Co., Balfour Beatty Constr. v. Int'l Bhd. Of Elec. Workers Local 99, 497 F.3d 83, 94 (1st Cir. 2007).

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When personal jurisdiction is lacking, relief is mandatory, and the appellants did not have to show various factors required for relief under other subsections of Rule 60(b). M & K Welding, Inc. v. Leasing Partners, LLC, 386 F.3d 361, 365 (1st Cir. 2004).

Contrary to the appellee, the fact that non-parties do not, or cannot, dispute alter ego allegations that would permit both serving them and holding them liable on the judgment does not obviate the need to call them before the court before entering judgment. Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100 (1969).

Vacated and remanded. 1st Cir. Loc. R. 27.0(c).

By the Court:

/s/ Margaret Carter, Clerk

cc:

Honorable Joseph L. Tauro
Robert Farrell, Clerk of Court
AF Holdings, LLC
Jason E. Sweet
Daniel G. Booth
John L. Steele
Paul A. Duffy
Paul R. Hansmeier